

**THE CITY OF FREDERICK
MAYOR AND BOARD OF ALDERMEN**

ORDINANCE NO: G-19-28

LEGISLATIVE HISTORY

PLANNING COMMISSION

PUBLIC HEARING: July 8, 2019
August 12, 2019

**RECOMMENDATION SUBMITTED
TO MAYOR & BOARD:** August 26, 2019

MAYOR & BOARD OF ALDERMEN

WORKSHOP: September 4, 2019
PUBLIC HEARING: September 19, 2019

AN ORDINANCE concerning the zoning of 798-800 Motter Avenue

FOR THE PURPOSE of amending the official zoning maps to apply the institutional floating zone to the property identified as 798-800 Motter Avenue

BY repealing and reenacting, with amendments,

Section 402
Appendix A, "Land Management Code"
The Code of the City of Frederick, 1966 (as amended)

BACKGROUND

The Land Management Code (LMC) incorporates by reference the official zoning maps. In 2013, the Board of Aldermen enacted Ordinance No. G-13-03 for the purpose of comprehensively rezoning a portion of the city, including the property at 798-800 Motter Avenue (the "Property"). The official zoning maps adopted by that ordinance indicate that the Property was assigned a medium density (R8) base zone as well as the wellhead protection overlay (WHO) zone. In accordance with Section 306 of the LMC, the Board of Aldermen may apply a floating zone on a property at the request of the owner of the property.

On or about April 22, 2019, the City, on behalf of the owner of the Property (the Housing Authority of The City of Frederick) filed an application to rezone the Property to the IST floating zone. The Planning Commission held duly advertised public hearings on July 8, 2019 and August 12, 2019. At the conclusion of the August 12, 2019 public hearing, the Planning Commission recommended that the Board of Aldermen approve the application.

On September 19, 2019, having received the recommendation of the Planning Commission, the Board of Aldermen held a duly advertised public hearing on the proposed zoning map amendment.

SECTION I. NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That in accordance with Section 306(e) of the

LMC and based upon review and consideration of the application materials, staff reports, and all other testimonial and documentary evidence, the Board of Aldermen hereby finds the facts set forth below. These facts, in addition those set forth in the preceding recitals, are incorporated into and expressly made a part of this ordinance.

1. The IST floating zone was established in order to provide for uses where the public is invited or permitted to congregate, such as schools, hospitals, and places of worship.
2. The Property is owned by the Housing Authority of The City of Frederick, which operates thereon a senior living and retirement facility, which is a permitted use in the IST district.
3. The existing use of the Property as a senior living and retirement facility is compatible with the existing and proposed land uses in the vicinity, including a mixture of residential dwelling unit types and nonresidential uses.
4. The application of the IST floating zone to the Property is consistent with various policies of the 2010 Comprehensive Plan, including but not limited to Housing Element (HE) Policies 1, 2, and 3 and the implementation strategies incorporated therein.

SECTION II. AND BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That the Code of the City of Frederick, 1966 (as amended), Appendix A, Land Management Code, Section 402, be repealed and reenacted, with amendments, by revising the official zoning maps to apply the institutional floating zone (IST) to the Property as shown on Exhibit A, attached hereto and incorporated herein by this reference, while maintaining the WHO zone.

SECTION III. AND BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN, That in the event any provision, section, sentence, clause, or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this ordinance, it being the intent of the City that such remainder shall be and shall remain in full force and effect.

SECTION IV. AND BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN, That this ordinance shall take effect on September 29, 2019, and all other ordinances or parts of ordinances inconsistent with the provisions of this ordinance will as of that date be repealed to the extent of such inconsistency.

APPROVED: September 19, 2019

PASSED: September 19, 2019



**Michael C. O'Connor, Mayor
Board of Aldermen**



Michael C. O'Connor, President,

Approved for Legal Sufficiency:



City Attorney

Exhibit A

798-800 Motter Ave

Floating and Overlay Zoning

- Proposed Rezoning
- MU2 (Mixed Use)
- IST (Institutional)
- R8 (Residential 8 units per acre)
- DB (Downtown Business)
- DR (Downtown Residential)



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Note: This map is prepared solely for the purpose of illustrating the City of Frederick. It should be used for no other purpose. Data on this map was prepared from several original sources and is subject to change as source data changes. This map is not a legal document. Maps produced by: redwain

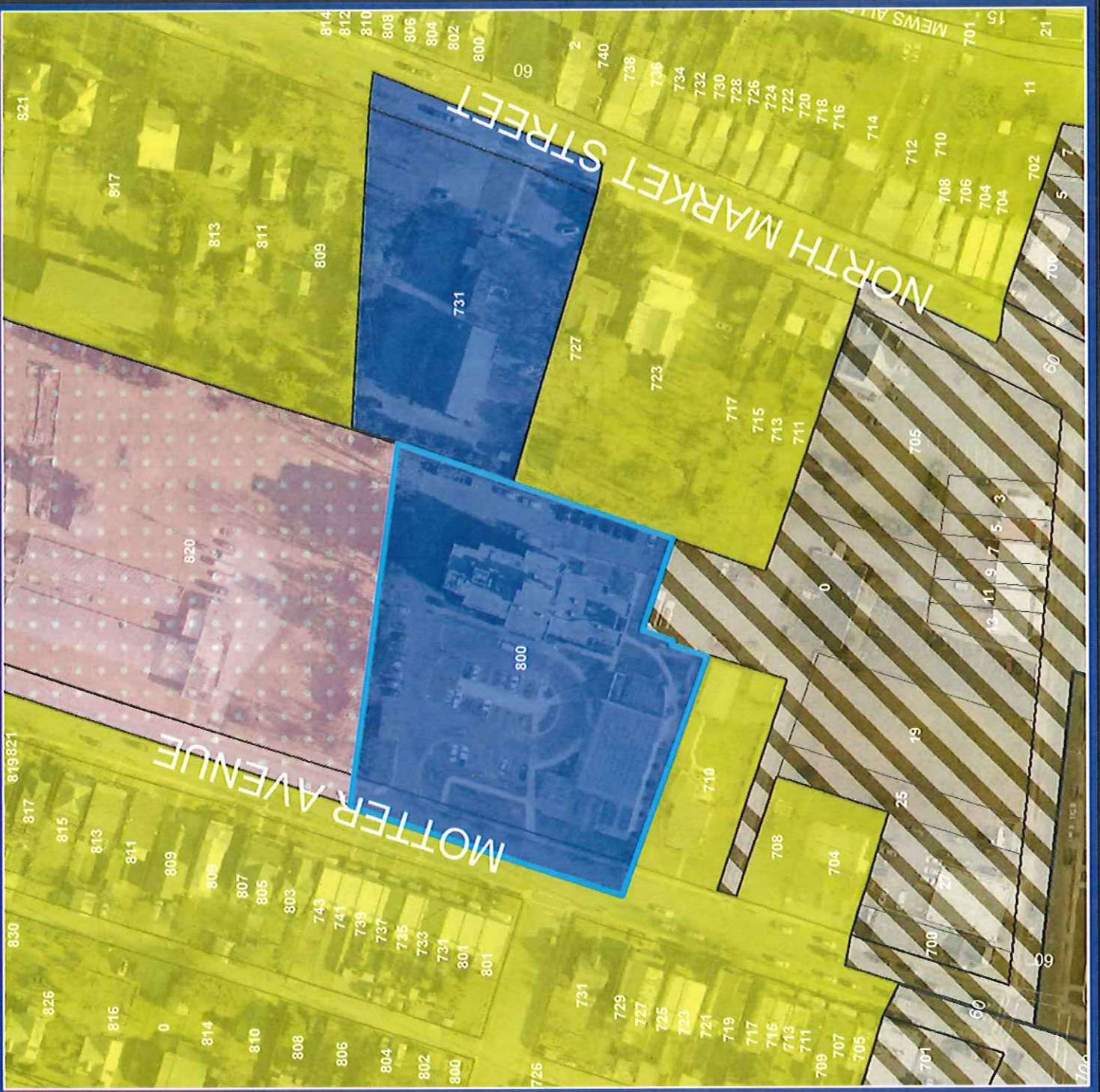
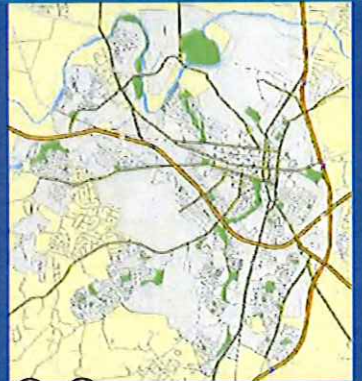


Exhibit A

798-800 Motter Ave

Base Zoning

- Proposed Rezoning**
- MU2 (Mixed Use)
 - IST (Institutional)
 - R8 (Residential 8 units per acre)
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